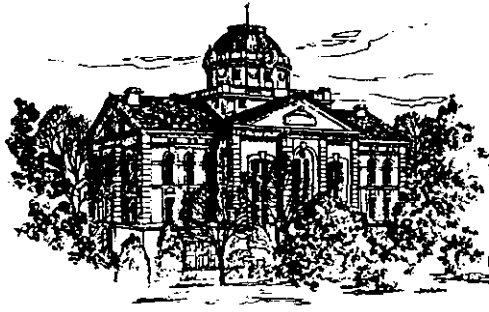


COLORADO COUNTY
Courthouse - 3rd Floor
Columbus, Texas 78934
409/732-2791



*Colorado County Courthouse
Constructed in 1890*

RECEIVED

AUG 08 1997 RAYMIE KANA
County Auditor

Opinion Committee

August 1, 1998

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AUG 04 1997

OPEN RECORDS DIVISION

Mr. Dan Morales
Attorney General of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711-2548

RD 969

FILE # ML-39704-97
I.D. # 39704

RE: Request an Attorney's General Opinion

Dear Mr. Morales:

I am requesting an opinion from you on the matters below because it involves our county attorney who has stated his opinion, but I believe it is in the best interest of the County to receive an opinion from you.

Whether the county commissioners' court can contract with the county attorney's office to provide courthouse security?
Whether the courthouse security fund can be used to fund this newly created position in the county attorney's office?
Whether "contract security personnel" as stated in Art. 102.017 subsection (d)(6) of Vernon's Annotated Texas Code of Criminal Procedure refers to a county employee with benefits?

Colorado County Commissioners' Court allowed the county attorney to hire an investigator out of the security fund. This person will work as a full-time county employee with fringe benefits in the county attorney's office and also provide courthouse security. If that person is not available for courthouse security, then the county attorney will provide someone else out of his office to do the security. For your information, our county attorney will also have felony prosecuting power effective September 1, 1997, and will no longer have a private practice.

The term "contract security personnel" as section (d)(6) of the Code of Criminal Procedure uses it, appears to refer merely to contracting with a security service instead of a county employee providing that service.

Therefore, I would appreciate it if you could give me your opinion on this matter to help ease the conscious of myself and the commissioners'. In final question, can the county commissioners' court contract with the county attorney to provide courthouse security and fund this contract with funds from the security fund? Thanks for your prompt assistance.

Sincerely,

Raymie Kana

Raymie Kana
County Auditor